

AUG 10 2009

01 AT SEATTLE  
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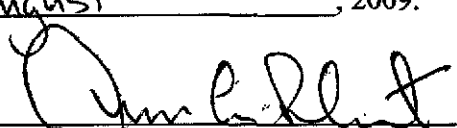
03 UNITED STATES DISTRICT COURT  
04 WESTERN DISTRICT OF WASHINGTON  
05 AT SEATTLE

05 HECTOR FRANCISCO DIAZ, ) CASE NO. C08-1371-JLR  
06 ) (CR07-108-JLR)  
06 Petitioner, )  
07 )  
07 v. )  
08 ) ORDER DENYING § 2255 MOTION  
08 UNITED STATES OF AMERICA, )  
09 )  
09 Respondent. )  
10

11 The Court, having reviewed petitioner's § 2255 motion, the government's response, the  
12 Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate  
13 Judge, <sup>the</sup> ~~any~~ objections thereto, and the remaining record, does hereby ORDER:

- 14 (1) The Court adopts the Report and Recommendation;  
15 (2) Petitioner's § 2255 motion (Dkt. No. 1) is DENIED and this action is  
16 DISMISSED with prejudice; and  
17 (3) The Clerk is directed to send a copy of this Order to petitioner, to counsel for  
18 respondent, and to Judge Theiler.

19 DATED this 10<sup>th</sup> day of August, 2009.

20  
21   
22 JAMES L. ROBERT  
United States District Judge